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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

14 OYSTER OPTICS, LLC,

15 Plaintiff,

16 v.

17 CIENA CORPORATION,

18 Defendant.
19

Case No. 4:17-cv-05920-JSW

**PLAINTIFF OYSTER OPTICS, LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Oyster Optics, LLC (“Oyster”) respectfully moves the Court for an order permitting Oyster to file under seal:

- (1) The highlighted portions of Plaintiff Oyster Optics, LLC’s Response in Opposition to Ciena Corporation’s Motion for Summary Judgment (Dkt. 204);
- (2) The highlighted portions of Plaintiff Oyster Optics, LLC’s Opposition to Ciena Corporation’s Motion to Exclude the Infringement Opinions and Testimony of Plaintiff’s Damages Expert, Stephen Dell, Ph.D., Under Fed. R. Evid. 702 and Daubert (Dkt. 205);
- (3) The highlighted portions of Plaintiff Oyster Optics, LLC’s Opposition to Ciena Corporation’s Motion to Exclude the Infringement Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and Daubert ((Dkt. 206); The highlighted portions of Plaintiff Oyster Optics, LLC’s Opposition to Ciena Corporation’s Motion to Exclude the Validity Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. 702 and Daubert (Dkt. 207);
- (4) Exhibits A, D, E-J, M, N, P, Q, R, S, and V to the Omnibus Declaration of Paul A. Kroeger in Support of Plaintiff Oyster Optics, LLC’s Oppositions to Ciena Corporation’s Motion for Summary Judgment; Motion to Exclude the Infringement Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and Daubert; Motion to Exclude the Validity Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and Daubert; and Motion to Exclude the Opinions and Testimony of Plaintiff’s Damages Expert, Stephen Dell, Ph.D., Under Fed. R. 702 and Daubert in their entirety;

The highlighted portions of Plaintiff Oyster Optics, LLC’s Response in Opposition to Ciena Corporation’s Motion for Summary Judgment, Plaintiff Oyster Optics, LLC’s Opposition to Ciena Corporation’s Motion to Exclude the Infringement Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and Daubert, Plaintiff Oyster Optics, LLC’s Opposition to Ciena Corporation’s Motion to Exclude the Validity Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and Daubert, as well

1 as Exhibits A, D, E-J, M, and S, contain confidential business information of Ciena, including
2 financial information, and technical aspects of the accused products that Ciena has designated as
3 confidential under the protective order and would be harmed if publicly disclosed. Oyster expects
4 that Ciena will file a supporting declaration as required by the local rules.

5 The highlighted portions of Plaintiff Oyster Optics, LLC's Opposition to Ciena
6 Corporation's Motion to Exclude the Infringement Opinions and Testimony of Plaintiff's Damages
7 Expert, Stephen Dell, Ph.D., Under Fed. R. Evid. 702 and Daubert concern as well as Exhibit N, P,
8 sensitive financial information concerning licenses Oyster, Ciena, and various third parties have
9 entered into, as well as information related to sales of the Accused Products that Ciena has deemed
10 confidential. Further evidence supporting this sealing is found in the concurrently filed declaration
11 of Paul A. Kroeger.

12 Exhibits Q, R, and V concern information produced by a third party, Cisco Systems, Inc.,
13 about a prior art system it developed that it claims is confidential and would be publicly harmed by
14 the disclosures. Exhibit Q also contains confidential business information of Ciena, including
15 financial information, and technical aspects of the accused products that Ciena has designated as
16 confidential under the protective order and would be harmed if publicly disclosed.

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18 Accordingly, Oyster respectfully requests that the Court permit the foregoing documents to
19 be filed under seal.

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21 Respectfully submitted,
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Dated: June 22, 2021

By: /s/ Paul Kroeger

Marc A. Fenster

Reza Mirzaie

Paul A. Kroeger

Neil A. Rubin

Attorneys for Plaintiff

OYSTER OPTICS, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2021, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices.

/s/ Paul A. Kroeger
Paul A. Kroeger

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